



December 21, 2017

Via ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Presentation; Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, MB Docket No. 12-107; Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, MB Docket No. 11-43; Accessibility of User Interfaces, and Video Programming Guides and Menus, MB Docket No. 12-108.

Dear Ms. Dortch:

On December 19, 2017, Ross J. Lieberman, Senior Vice President of Government Affairs, American Cable Association (“ACA”), Mary C. Lovejoy, Vice President of Regulatory Affairs, ACA, and the undersigned, representing ACA, met with Mary Beth Murphy, Deputy Bureau Chief, Martha Heller (via teleconference), Chief, Policy Division, and Maria Mullarkey, Assistant Division Chief, Policy Division, of the Media Bureau, to discuss the need for relief for some narrowly defined classes of small cable providers who are unable to comply or can only partially comply with certain rules pursuant to the Twenty-First Century Communications and Video Accessibility Act of 2010 (“CVAA”), specifically, the audible emergency information requirement¹ and the talking guide requirement,² from which the Commission had previously granted special consideration.

During the meeting, ACA first discussed the upcoming expiration of the waiver for all-analog systems from the emergency information requirement. At present, analog-only cable systems that lack the equipment to comply with this requirement have an extended compliance deadline of June 12, 2018.³ ACA explained that the number of all-analog systems that rely on the waiver, and

¹ 47 C.F.R. § 79.2(b)(ii). Emergency information provided visually during programming that is neither a regularly scheduled newscast nor a newscast that interrupts regular programming must be accompanied by an aural tone and be made aurally accessible to individuals who are blind or visually impaired through the use of a secondary audio stream. *Id.*

² 47 C.F.R. § 79.108. Multichannel video programming distributors that lease or sell navigation devices must ensure that the on-screen text menus and guides provided by such devices are audibly accessible in real time, upon request by individuals who are blind or visually impaired. *Id.*

³ *Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, et al.*, MB Docket Nos. 12-107, 11-43, Petition for Waiver of the American Cable Association (filed Mar. 18, 2015); *Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, et al.*, Memorandum Opinion and Order, 30 FCC Rcd 5012 (MB 2015).

consequently the number of subscribers served by these systems, has decreased since the initial waiver was granted in 2015. However, there are still some such systems that face unique difficulties in passing through a secondary audio stream, and those difficulties will persist well beyond the June 12, 2018 deadline. ACA and attendees discussed possible procedural options for providing further relief to this small class of operators.

With respect to the Commission's talking guide requirements, which go into effect for small and mid-sized operators on December 20, 2018,⁴ ACA reiterated the findings submitted in response to the Media Bureau's Public Notice seeking comment on the deadline and on the current state of the marketplace for accessibility solutions available for small and mid-sized multichannel video programming distributors.⁵ As outlined in its comments, ACA explained that the marketplace for accessible user guides and menus did not develop as anticipated by the Commission, and small and mid-sized operators will not be able to make available the accessible guides developed by large operators. Nonetheless, ACA expects that most small and mid-sized operators will be able to meet their obligations by the December 20, 2018 deadline,⁶ but relief will still be necessary for two narrowly defined classes of small providers who cannot satisfy key requirements of Section 79.108 of the Commission's rules, and partial relief will be needed for another limited class.⁷ Attendees discussed potential avenues for obtaining relief for these small classes of providers, including whether a petition for one or more class-based waivers filed pursuant to Section 1.3 of the Commission's rules⁸ is appropriate.

This letter is being filed electronically pursuant to Section 1.1206 of the Commission's rules.

Sincerely,



Elizabeth Cuttner

cc: Mary Beth Murphy
Martha Heller
Maria Mullarkey

⁴ See 47 C.F.R. § 79.108(b) ("Compliance with the requirements of this section is required no later than December 20, 2016; except that compliance with the requirements of this section is required no later than December 20, 2018 for the following covered entities: (1) MVPD operators with 400,000 or fewer subscribers as of year-end 2012; and (2) MVPD systems with 20,000 or fewer subscribers that are not affiliated with an operator serving more than 10 percent of all MVPD subscribers as of year-end 2012.").

⁵ See *Media Bureau Seeks Comment on December 20, 2018 Accessible User Interfaces Deadline for Mid-Sized and Smaller MVPDs*, Public Notice, MB Docket No. 12-108 (rel. Sept. 28, 2017) ("Public Notice"). The Public Notice initiated the Media Bureau's review of the marketplace and sought comment on whether the December 20, 2018 compliance deadline for accessible user interfaces for mid-sized and smaller MVPDs that lease or sell navigation devices to view their video programming should be retained or extended, in whole or in part. *Id.*

⁶ See *Accessibility of User Interfaces, and Video Programming Guides and Menus*, MB Docket No. 12-108, Comments of the American Cable Association, (filed Oct. 30, 2017) ("ACA PN Comments"); Reply Comments of the American Cable Association (filed Nov. 13, 2017).

⁷ 47 C.F.R. § 79.108; ACA PN Comments at 4.

⁸ 47 C.F.R. § 1.3.